IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3461 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RATILAL GANGARAM JAYSWAL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3461 of 1988

MR MB BUCH for Petitioner No. 1

MR RM CHAUHAN A.G.P. for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 27/12/2001

ORAL JUDGEMENT

1. The petitioner in this petition has sought a direction from this Court to put his name in seniority list on the basis of appointment in the year 1976 and to

make him permanent employee of the department from 1976 or from such other date as this Court deems just and proper and to pay to the petitioner as a permanent employee from such date all his arrears. By way of interim relief, the petitioner has prayed for restraining the respondents from discharging or dismissing or in any manner dispensing with the services till the petition is finally disposed of.

2. On 7.7.1988, this Court has issued notice making it returnable on 4.8.88 and ad-interim relief was granted restraining the respondents from dismissing/discharging the petitioner only on the basis that he is a daily rated workman, till further orders. The petition was admitted on 30.9.1988 and interim-relief was granted to the above extent that the petitioner should not be terminated except in accordance with law.

3. When this matter came up for hearing before me on 6.12.2001, Mr.Aditya Nagar Sheth, learned advocate for Mr. M.B Buch, for the petitioner sought time on the ground that papers could not be traced in his office. Time was granted and the matter was adjourned to 19.12.2001. This matter was again placed before me on 20.12.2001. On that date no one appeared on behalf of the petitioner either in the first sitting or in the second sitting. The learned A.G.P., Ms.Manisha Lavkumar was present in the first sitting and it was submitted by her that relief claimed by the petitioner in the present petition could not be granted. It was further submitted by her that the petitioner has not vigorously pursued the matter or by afflux of time the petition may become infructuous. On that date I would have disposed of this matter after hearing the learned A.G.P. However, because of rumor regarding terrorists' entry in the Court compound, the matter could not be taken up and because of absence of the petitioner's advocate in the first sitting I have not thought it fit to decide the matter exparte, and the matter was kept for hearing today i.e. on 27.12.2001.

4. Today also when the matter was twice called out no one appeared on behalf of the petitioner. The learned A.G.P. is present. On prima facie reading of the papers it appears that the petition does not seem to have any merits in the matter. However, instead of disposing of the matter on merits, I dismiss this petition for want of prosecution.

5. In this view of the matter, Rule is discharged. Interim relief is vacated. There shall be no order as to

costs.

(K.A. Puj, J.)

/phalguni/